

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David L. Wood et al.

Title: SECURE DATA BROKER

Application No.: 09/357,726 Filed: July 21, 1999

Examiner: Aravind K. Moorthy Group Art Unit: 2131

Atty. Docket No.: 004-3633 Confirmation No.: 9654

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July 24, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **APPLICANTS' INTERVIEW SUMMARY**

This paper is being submitted, consistent with 37 C.F.R. §§ 1.133, 1.2, MPEP 713.01, 713.04, to summarize content of the telephonic interview conducted on 24 July 2006.

Any fees required by this paper are being provided as directed in an electronic submission of this paper or in a transmittal letter accompanying this paper. However, the Commissioner is hereby authorized to charge any deficiency in fees required by this paper and any additional fees under 37 C.F.R. § 1.16 or 1.17 which may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

INTERVIEW SUMMARY

The undersigned spoke today with Examiner Moorthy regarding status of the above matter. In particular, the undersigned pointed out that the present “Advisory Action,” which was mailed July 20, 2006, and refused to enter Applicants’ amendment, was *entirely improper* since the matter stood under *non-final* rejection and Applicants’ amendment was entitled to entry as a matter of right. The undersigned further reviewed with the Examiner the following sequence of events:

1. Final Action, mailed 30 September 2005 (including allowance of claims 17-26, 30-35, and 38-41 and an indication that claims 10-12 would be allowable if re-written in independent form);
2. Applicants’ Response after Final, dated 30 November 2005 (seeking reconsideration with respect to the non-allowed claims);
3. Applicants’ 2<sup>nd</sup> Response after Final, dated 30 December 2005 (canceling non-allowed claims and rewriting objected-to claims in independent form);
4. ***Failure of the Office*** to take action prior to end of the statutory period;
5. Filing by Applicants, on 29 March 2006 (within the final days of the statutory period) of a Notice of Appeal to preserve pendency despite inaction of the Office;
6. Non-Final action, mailed 5 April 2006 (6 days after expiry of the statutory period for response and 5 days after Applicants’ Notice of Appeal) indicating entry of Applicant’s amendments in 2<sup>nd</sup> Response after Final (filed 30 December 2005, and then placing the matter in condition for Allowance) but rejecting the remaining previously allowed/allowable claims based on new art.
7. Applicant’s Response, dated 5 July 2006, traversing and reintroducing (by amendment) claims previously cancelled (in Applicant’s 2<sup>nd</sup> Response after Final) to place the matter in condition for Allowance; and

8. "Advisory Action," mailed 20 July 2006, refusing to enter Applicant's response after non-final action.

After the undersigned expressed his displeasure with the Office's handling of the present matter, and in particular the bait, switch and refuse entry sequence, Examiner Moorthy apparently consulted with his supervisor and called the undersigned to indicate that:

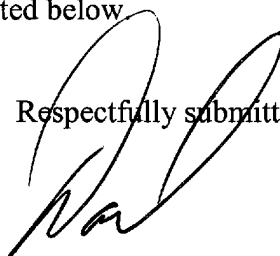
1. The present "Advisory Action" would be immediately withdrawn;
2. Applicants' Amendment (reinstating previously cancelled claims) would be entered as a matter of right; and
3. An allowance or additional *non-final* action would be forthcoming.

In particular, the undersigned understood that (in view of Office conduct that amounted to a "bait and switch," and the failure of the Office to examine Applicants' full set of claims), any Office action that follows will be non-final.

If any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below

<b><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></b>	
I hereby certify that, on the date shown below, this correspondence is being	
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<input type="checkbox"/> facsimile transmitted to the US Patent and Trademark Office.	
_____ David W. O'Brien	_____ Date

Respectfully submitted,



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